IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 19008 of 2005

Date of Decision: October 24, 2006

Ajaib Singh

…..Petitioner

Vs.

State of Haryana and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. S.P. Laler, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana for the respondents.

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M.M. KUMAR, J. (ORAL)

The instant petition is directed against the order dated November 29, 2005 (P-27) withdrawing the earlier order transferring the petitioner from Haryana Armed Police to District Police, Ambala Range, Ambala. The Director General of Police in the aforementioned order has further directed that the benefit given to the petitioner on his transfer to Ambala Range may also be withdrawn after giving him show cause notice and adopting other codal formalities and thereafter the petitioner is to be returned to his parent unit i.e. HAP, Madhuban, where he required to get his

seniority refixed in accordance with his entitlement. It is conceded position that no notice was issued to the petitioner either by the Director General of Police or by the Inspector General of Police before withdrawing order dated July 2, 2004 (P-12) , whereby the petitioner was transferred from Haryana Armed Police, Madhuban to District Police, Ambala. It is also not in doubt that the Director General of Police in the impugned order dated November 29, 2005 (P-27) has expressed himself by directing the Inspector General of Police, Ambala Range, Ambala, to withdraw all the benefits given to the petitioner by adopting codal formalities and the petitioner is to be returned to his parent unit i.e. Haryana Armed Police, Madhuban, where he is to get his seniority refixed as per his entitlement. It is tried to observe that the order is absolutely against the principles of natural justice reducing them to mere formalities. The order has already been passed by a superior authority i.e. Director General of Police, which the subordinate authority like the Inspector General of Police is bound to obey. Therefore, for the reasons of non-compliance of the principles of natural justice, order dated November 29, 2005 (P-27) is hereby quashed. However, we should not be taken to have expressed our opinion with regard to the merits of the controversy. The respondents are permitted to take further action in accordance with law by following the principles of natural justice, if so advised.

The petition stands allowed in the above terms.

(M.M.KUMAR)
JUDGE

October 24, 2006 (M.M.S.BEDI)
sanjay JUDGE